

Franchise and Concession Review Committee Hearing
May 8, 2017

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PUBLIC HEARING

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FRANCHISE and CONCESSION REVIEW COMMITTEE HEARING

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2 Lafayette Street

14th Floor

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New York, New York

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Monday, May 8, 2017

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2:44 p.m.

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APPEARANCES:

16

Mayor: Peter Hatch

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Clerk: Stephanie Ruiz

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Office of Mayor: Benjamin Furnas

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Corporation Counsel: Sharon Cantor

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Office of Management and Budget: Yvonne Quintian

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Comptroller: Richard Friedman

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Borough President of Brooklyn: Tonya Cantlo-Cockfield

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Borough President of Manhattan: James Caras

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Borough President of Queens: Angeline Martinez-Rubio

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Borough President of Staten Island: Lashay Young

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Proceedings

THE CHAIRPERSON: Good afternoon.
The public hearing will come to order.
Will the Clerk please call the
roll?

THE CLERK: Mayor?

THE CHAIRPERSON: Here.

THE CLERK: Office of the Mayor?

OFFICE OF MAYOR: Here.

THE CLERK: Comptroller?

THE COMPTROLLER: Here.

THE CLERK: Corporation Counsel?

CORPORATION COUNSEL: Here.

THE CLERK: Office of Management
and Budget?

OFFICE OF MANAGEMENT AND BUDGET:
Here.

THE CLERK: President, Borough of
the Bronx?

(No response.)

THE CLERK: President, Borough of
Brooklyn?

BROOKLYN BOROUGH PRESIDENT:
Present.

THE CLERK: President, Borough of

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Proceedings

Manhattan?

MANHATTAN BOROUGH PRESIDENT:

Here.

THE CLERK: President, Borough of

Queens?

QUEENS BOROUGH PRESIDENT: Here.

THE CLERK: President, Borough of

Staten Island?

STATEN ISLAND BOROUGH PRESIDENT:

Here.

THE CHAIRPERSON: Welcome to this

public hearing of the Franchise and
Concession Review Committee. The hearing
being conducted today has been publicly
advertised in accordance with the New York
City Charter and Concession Rules of the
City of New York.

We want to be sure that anyone
desiring to be heard has an opportunity to
do so. All persons wishing to speak must
fill out a request slip, which may be
obtained from the clerk. Each speaker will
be allotted approximately three minutes.
When you testify, please state your name

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1 Proceedings

2 and affiliation, if any.

3 You may also submit written
4 testimony to the clerk which will be made
5 part of the record. Any written
6 submissions must be given to the clerk
7 before the close of the public hearing.

8 Will the clerk please call the
9 first calendar item.

10 THE CLERK: New York City
11 Department of Parks and Recreation,
12 Calendar Item No. 1: In the matter of the
13 intent to award as a concession for the
14 operation, renovation, and maintenance of a
15 restaurant and banquet facility at 201-10
16 Cross Island Parkway, Queens for a
17 fifteen-year term to Vivo Bayside Corp.

18 THE CHAIRPERSON: Does anyone
19 wish to testify.

20 (No response.)

21 THE CHAIRPERSON: If no one
22 wishes to speak, will the clerk please call
23 the second calendar item.

24 THE CLERK: New York City
25 Department of Parks and Recreation,

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Proceedings

Calendar Item No. 2: In the matter of the intent to award as a concession for the renovation, operation, and maintenance of a snack bar at Columbus Park, Brooklyn for a twelve-year term to Nuchas CP LLC.

THE CHAIRPERSON: Does anyone wish to speak?

(No response.)

THE CHAIRPERSON: If no one wishes to speak, will the clerk please call the third calendar item.

THE CLERK: New York City Department of Parks and Recreation, Calendar Item No. 3: In the matter of the intent to award as a concession for the development, operation, and maintenance of a snack bar at Union Square, Manhattan for a seven-year term to Good Nut Bad Nut LLC.

THE CHAIRPERSON: Does anyone wish to testify?

(No response.)

THE CHAIRPERSON: If no one wishes to speak, will the clerk please call the fourth calendar item.

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Proceedings

THE CLERK: New York City
Department of Parks and Recreation,
Calendar Item No. 4: In the matter of the
intent to award as a concession for the
renovation, operation, and maintenance of
an outdoor recreational facility located at
215 Schmidts Lane, Staten Island for a
potential fifteen-year term to NY Carousel
Entertainment, LLC.

Please be advised that at the
request of the agency this item will be
held over to the June 12, 2017 FCRC Public
Hearing which will take place in Spector
Hall of 22 Reade Street, Manhattan at 2:30
p.m. Any change to this schedule which
will result in a Public Hearing being
scheduled prior to the June 12th FCRC
Public Hearing will be noticed in the City
Record and in the newspapers as required by
Section 371 of the New York City Charter.

THE CHAIRPERSON: Although this
item is being held over, we will take
testimony from anyone that wishes to
testify.

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(No response.)

THE CHAIRPERSON: If no one wishes to speak, that concludes today's hearing. We ask that the reporter make the entire public hearing agenda, which was made publicly available and distributed at this hearing, part of the final record of the proceeding. The hearing is now closed. Thank you.

(Time noted: 2:48 p.m.)

**Franchise and Concession Review Committee Hearing
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<p style="text-align: center;">A</p> <p>action (1) 8:14 advertised (1) 3:16 advised (1) 6:11 affiliation (1) 4:2 afternoon (1) 2:2 agency (1) 6:12 agenda (1) 7:6 allotted (1) 3:24 Angeline (1) 1:24 APPEARANCES (1) 1:15 approximately (1) 3:24 available (1) 7:7 award (4) 4:13 5:3,16 6:5</p> <hr/> <p style="text-align: center;">B</p> <p>Bad (1) 5:19 banquet (1) 4:15 bar (2) 5:5,18 Bayside (1) 4:17 Benjamin (1) 1:18 blood (1) 8:14 Borough (13) 1:22,23,24,25 2:18 2:21,23,25 3:3,5,7,8,10 Bronx (1) 2:19 Brooklyn (4) 1:22 2:22,23 5:5 Budget (3) 1:20 2:15,16</p> <hr/> <p style="text-align: center;">C</p> <p>C (2) 8:2,2 calendar (8) 4:9,12,23 5:2,12,15 5:25 6:4 call (5) 2:4 4:8,22 5:11,24 Cantlo-Cockfield (1) 1:22 Cantor (1) 1:19 Caras (1) 1:23 Carousel (1) 6:9 certify (2) 8:9,13 CHAIRPERSON (11) 2:2,7 3:12 4:18,21 5:7,10,20,23 6:22 7:3 change (1) 6:16 Charter (2) 3:17 6:21 City (8) 3:17,18 4:10,24 5:13 6:2 6:19,21 clerk (23) 1:17 2:4,6,8,10,12,14,18 2:21,25 3:5,8,23 4:4,6,8,10,22,24 5:11,13,24 6:2 close (1) 4:7 closed (1) 7:10 Columbus (1) 5:5 come (1) 2:3 Committee (2) 1:4 3:14 Comptroller (3) 1:21 2:10,11 concession (7) 1:4 3:14,17 4:13 5:3,16 6:5 concludes (1) 7:4 conducted (1) 3:15</p>	<p>Corp (1) 4:17 Corporation (3) 1:19 2:12,13 Counsel (3) 1:19 2:12,13 COUNTY (1) 8:6 CP (1) 5:6 Cross (1) 4:16</p> <hr/> <p style="text-align: center;">D</p> <p>day (1) 8:18 Department (4) 4:11,25 5:14 6:3 desiring (1) 3:20 development (1) 5:17 distributed (1) 7:7</p> <hr/> <p style="text-align: center;">E</p> <p>E (2) 8:2,2 Entertainment (1) 6:10 entire (1) 7:6</p> <hr/> <p style="text-align: center;">F</p> <p>F (1) 8:2 facility (2) 4:15 6:7 FCRC (2) 6:13,18 fifteen-year (2) 4:17 6:9 fill (1) 3:22 final (1) 7:8 first (1) 4:9 Floor (1) 1:8 fourth (1) 5:25 Franchise (2) 1:4 3:13 Friedman (1) 1:21 Furnas (1) 1:18 further (1) 8:13</p> <hr/> <p style="text-align: center;">G</p> <p>GARCIA (2) 8:8,21 given (1) 4:6 Good (2) 2:2 5:19</p> <hr/> <p style="text-align: center;">H</p> <p>Hall (1) 6:15 hand (1) 8:18 Hatch (1) 1:16 heard (1) 3:20 hearing (13) 1:2,4 2:3 3:13,14 4:7 6:14,17,19 7:5,6,8,9 held (2) 6:13,23 hereunto (1) 8:17</p> <hr/> <p style="text-align: center;">I</p> <p>intent (4) 4:13 5:3,16 6:5 interested (1) 8:15 Island (5) 1:25 3:9,10 4:16 6:8 item (10) 4:9,12,23 5:2,12,15,25 6:4,12,23</p> <hr/> <p style="text-align: center;">J</p>	<p>James (1) 1:23 JOANNA (2) 8:8,21 June (2) 6:13,18</p> <hr/> <p style="text-align: center;">K</p> <p>KINGS (1) 8:6</p> <hr/> <p style="text-align: center;">L</p> <p>Lafayette (1) 1:8 Lane (1) 6:8 Lashay (1) 1:25 LLC (3) 5:6,19 6:10 located (1) 6:7</p> <hr/> <p style="text-align: center;">M</p> <p>maintenance (4) 4:14 5:4,17 6:6 Management (3) 1:20 2:14,16 Manhattan (5) 1:23 3:2,3 5:18 6:15 marriage (1) 8:15 Martinez-Rubio (1) 1:24 matter (6) 4:12 5:2,15 6:4 8:11,16 Mayor (5) 1:16,18 2:6,8,9 minutes (1) 3:24 Monday (1) 1:10</p> <hr/> <p style="text-align: center;">N</p> <p>name (1) 3:25 New (11) 1:9,9 3:16,18 4:10,24 5:13 6:2,21 8:4,9 newspapers (1) 6:20 Notary (1) 8:8 noted (1) 7:11 noticed (1) 6:19 Nuchas (1) 5:6 Nut (2) 5:19,19 NY (1) 6:9</p> <hr/> <p style="text-align: center;">O</p> <p>obtained (1) 3:23 Office (6) 1:18,20 2:8,9,14,16 operation (4) 4:14 5:4,17 6:6 opportunity (1) 3:20 order (1) 2:3 outcome (1) 8:16 outdoor (1) 6:7</p> <hr/> <p style="text-align: center;">P</p> <p>p.m (3) 1:10 6:16 7:11 Park (1) 5:5 Parks (4) 4:11,25 5:14 6:3 Parkway (1) 4:16 part (2) 4:5 7:8 parties (1) 8:14 persons (1) 3:21 Peter (1) 1:16 place (1) 6:14 please (7) 2:4 3:25 4:8,22 5:11,24</p>
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<p>6:11 potential (1) 6:9 Present (1) 2:24 President (13) 1:22,23,24,25 2:18 2:21,23,25 3:3,5,7,8,10 prior (1) 6:18 proceeding (1) 7:9 proceedings (8) 2:1 3:1 4:1 5:1 6:1 7:1 8:10,12 public (9) 1:2 2:3 3:13 4:7 6:13,17 6:19 7:6 8:8 publicly (2) 3:15 7:7</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>Queens (4) 1:24 3:6,7 4:16 Quintian (1) 1:20</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>R (1) 8:2 Reade (1) 6:15 record (4) 4:5 6:20 7:8 8:12 Recreation (4) 4:11,25 5:14 6:3 recreational (1) 6:7 related (1) 8:13 renovation (3) 4:14 5:4 6:6 reported (1) 8:10 reporter (1) 7:5 request (2) 3:22 6:12 required (1) 6:20 response (5) 2:20 4:20 5:9,22 7:2 restaurant (1) 4:15 result (1) 6:17 Review (2) 1:4 3:14 Richard (1) 1:21 roll (1) 2:5 Ruiz (1) 1:17 Rules (1) 3:17</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>schedule (1) 6:16 scheduled (1) 6:18 Schmidts (1) 6:8 second (1) 4:23 Section (1) 6:21 set (1) 8:17 seven-year (1) 5:19 Sharon (1) 1:19 slip (1) 3:22 snack (2) 5:5,18 speak (6) 3:21 4:22 5:8,11,24 7:4 speaker (1) 3:23 Spector (1) 6:14 Square (1) 5:18 ss (1) 8:5 state (3) 3:25 8:4,9 Staten (4) 1:25 3:9,10 6:8 Stephanie (1) 1:17</p>	<p>Street (2) 1:8 6:15 submissions (1) 4:6 submit (1) 4:3 sure (1) 3:19</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>T (2) 8:2,2 take (2) 6:14,23 term (4) 4:17 5:6,19 6:9 testify (4) 3:25 4:19 5:21 6:25 testimony (2) 4:4 6:24 Thank (1) 7:10 third (1) 5:12 three (1) 3:24 Time (1) 7:11 today (1) 3:15 today's (1) 7:4 Tonya (1) 1:22 transcript (1) 8:12 true (1) 8:12 twelve-year (1) 5:6</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>Union (1) 5:18</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>Vivo (1) 4:17</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>want (1) 3:19 way (1) 8:15 Welcome (1) 3:12 WHEREOF (1) 8:17 wish (3) 4:19 5:8,21 wishes (5) 4:22 5:11,24 6:24 7:4 wishing (1) 3:21 within-entitled (1) 8:11 WITNESS (1) 8:17 written (2) 4:3,5</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p>X (2) 1:2,6</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>York (11) 1:9,9 3:16,18 4:10,24 5:13 6:2,21 8:4,9 Young (1) 1:25 Yvonne (1) 1:20</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 (1) 4:12 12 (1) 6:13 12th (1) 6:18</p>	<p>13th (1) 8:18 14th (1) 1:8</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 (2) 1:8 5:2 2:30 (1) 6:15 2:44 (1) 1:10 2:48 (1) 7:11 201-10 (1) 4:15 2017 (3) 1:10 6:13 8:18 215 (1) 6:8 22 (1) 6:15</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 (1) 5:15 371 (1) 6:21</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 (1) 6:4</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8 (1) 1:10</p>
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PUBLIC HEARING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

MONDAY, MAY 8, 2017 @ 2:30 P.M.

2 LAFAYETTE STREET, NEW YORK, NY

NOTE: INDIVIDUALS REQUESTING SIGN LANGUAGE INTERPRETERS SHOULD CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES, 253 BROADWAY, 9TH FL., NEW YORK, NEW YORK, N.Y. 10007 (212) 788-7490, NO LATER THAN SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD USERS SHOULD CALL VERIZON RELAY SERVICE.

*Franchise and Concession Review Committee Joint Public Hearing
Monday, May 8, 2017 @ 2:30 P.M.*

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

No. 1: **IN THE MATTER** of the intent to award as a concession for the operation, renovation, and maintenance of a restaurant and banquet facility at 201-10 Cross Island Parkway, Queens ("Licensed Premises") for a fifteen (15) year term, to Vivo Bayside Corp. ("Vivo"). Compensation to the City will be as follows: for each operating year, Vivo shall pay to the City a license fee consisting of a minimum annual fee plus an annual percentage of gross receipts (Years 1-2: \$100,000 + 5% of gross receipts in excess of \$2,400,000; Years 3-10: \$150,000 + 6% of gross receipts in excess of \$2,600,000; Years 11-15: \$200,000 + 7% of gross receipts in excess of \$3,000,000).

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

No. 2: **IN THE MATTER** of the intent to award as a concession for the renovation, operation, and maintenance of a snack bar at Columbus Park, Brooklyn for a twelve (12) year term, to Nuchas CP LLC ("Nuchas"). Compensation to the City will be as follows: for each operating year, Nuchas shall pay to the City a license fee consisting of the greater of annual minimum fees (Year 1 - \$60,000, Year 2 - \$63,000, Year 3 - \$66,150, Year 4 - \$69,458, Year 5 - \$72,930, Year 6 - \$76,577, Year 7 - \$80,406, Year 8 - \$84,426, Year 9 - \$88,647, Year 10 - \$93,080, Year 11 - \$97,734, Year 12 - \$102,620) vs. 10% of gross receipts.

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

No. 3: **IN THE MATTER** of the intent to award as a concession for the development, operation and maintenance of a snack bar at Union Square, Manhattan., for a seven (7) year term, to Good Nut Bad Nut LLC ("Nuts"). Compensation to the City will be as follows: for each operating year, Nuts shall pay to the City a license fee consisting of a guaranteed annual fee Year 1 - \$200,000.06, Year 2 - \$206,000.06 Year 3 - \$212,180.06, Year 4 - \$218,545.47, Year 5 - \$225,101.83, Year 6 - \$231,854.88, Year 7 - \$238,810.53, all years vs. 5% of Gross Receipts over \$1,250,000.00.

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

No. 4: **IN THE MATTER** of the intent to award as a concession for the renovation, operation and maintenance of an outdoor recreation facility located at 215 Schmidts Lane, Staten Island ("Licensed Premises"), for a potential fifteen (15) year term, to NY Carousel Entertainment, LLC. Compensation to the City will be as follows: for each operating year, NY Carousel Entertainment, LLC shall pay to the City license fees consisting of the greater of a guaranteed minimum annual fee versus a percentage of gross receipts (Year 1: \$51,950.00 vs. 12%; Year 2: \$56,106.00 vs. 12%; Year 3: \$60,594.00 vs. 12%; Year 4: \$65,442.00 vs. 12%; Year 5: \$70,677.00 vs. 12%; Year 6: \$75,625.00 vs. 12%; Year 7: \$80,919.00 vs. 12%; Year 8: \$86,583.00 vs. 12%; Year 9: \$92,644.00 vs. 12%; Year 10: \$98,202.00 vs. 12%; Year 11: \$104,094.00 vs. 12%; Year 12: \$110,340.00 vs. 12%; Year 13: \$115,857.00 vs. 12%; Year 14: \$121,650.00 vs. 12%; Year 15: \$127,732.00 vs. 12%).